

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

11-CR-172-A
ORDER

KYLE RICE,

Defendant.

On August 6, 2010, U.S. District Judge Sean J. McLaughlin of the Western District of Pennsylvania sentenced the Defendant to ten months' imprisonment and ten years' supervised release following his plea of guilty to possession and attempted possession of material depicting the sexual exploitation of a minor, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). On April 27, 2011, this Court accepted jurisdiction over the Defendant's supervision. The Defendant has been on supervision for approximately six years.

The Defendant has now filed a motion for early termination of his supervision. See Docket No. 3. A court may reduce a term of supervised release if a defendant has served at least one year of supervised release and if the Court is satisfied, after considering the factors set forth in 18 U.S.C. § 3553(a), "that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1).¹

The Defendant's primary argument for early termination is that he has been fully compliant with the terms of his supervision since his release over six years ago. The

¹ Because the Defendant was convicted of an offense under 18 U.S.C. § 2252, the Defendant's term of supervision must be at least five years. See 18 U.S.C. § 3583(k). As noted, the Defendant has been on supervised release for approximately six years.

Defendant's Probation Officer confirms that the Defendant "has complied with both the standard conditions as well as the special conditions" imposed on the Defendant, including successful discharge from sex offender treatment; compliance with the New York Sex Offender Registration and Notification Act; no new police contact; and full time employment as a nutritionist. Thus, the Probation Officer concludes, "in this very extraordinary case," the Probation Office does not object to early termination of supervision. Likewise, after consultation with the Assistant United States Attorney in the Western District of Pennsylvania who prosecuted this case, the Government does not oppose the Defendant's early termination request.

In light of the Probation Officer's report, and after considering the factors set forth at 18 U.S.C. § 3553(a), the Defendant's motion for early termination of supervision is granted. The Defendant's term of supervised release is terminated.

SO ORDERED.

Dated: March 21, 2017
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE